

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RUDY MENDEZ, independent personal
representative and heir to the Estate of Hazel
Dean Hitt,

Plaintiff,

v.

CITY OF MASCOUTAH, IL, CODY
HAWKINS, MASCOUTAH POLICE
DEPARTMENT and UNKNOWN PARTIES,

Defendants.

Case No. 15-cv-382-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on the Court's April 28, 2016, order for plaintiff Rudy Mendez to show cause on or before May 20, 2016, why the Court should not construe his failure to timely respond to the defendants' motion to dismiss (Doc. 28) as an admission of the merits of the motion and dismiss his claims against defendants City of Mascoutah, Illinois, Cody Hawkins, Mascoutah Police Department and the unidentified parties without prejudice (Doc. 35). The Court warned Mendez that if he failed to respond to the order to show cause in a timely manner, the Court could dismiss this action for lack of prosecution pursuant to Federal Rule of Civil Procedure 41(b) and the Court's inherent authority to manage its docket. *See In re Bluestein & Co.*, 68 F.3d 1022, 1025 (7th Cir. 1995).

Mendez did not respond in a timely manner to the order to show cause. Accordingly, the Court:

- **CONSTRUES** his failure to respond as an admission of the merits of the defendants' motion to dismiss, *see* Local Rule 7.1(c);
- **GRANTS** the motion to dismiss (Doc. 28);

- **DISMISSES without prejudice** Mendez's claims against the City of Mascoutah, Illinois, Cody Hawkins, Mascoutah Police Department for the reasons stated in their motion;
- **DISMISSES without prejudice** the unidentified parties pursuant to Rule 41(b) for failure to prosecute; and
- **DIRECTS** the Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: May 24, 2016

s/ J. Phil Gilbert

**J. PHIL GILBERT
DISTRICT JUDGE**